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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,542

01/16/2004

Daniel Deutsch

32493.CON

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7590

11/03/2004

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EXAMINER

ALAVI, ALI

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,542

Applicant(s)

DEUTSCH ET AL.

Examiner

Ali Alavi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Preliminary Amendment Status

1. Acknowledgment is made of entry of preliminary amendment filed on 1/16/04. Accordingly, Claims 9-17 have been cancelled. Claims 1-8 are now pending on this application.

Specification

2. The disclosure is objected to because of the following informalities: Description of Figure 8 is missing in the brief description of drawings. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsueh (US Pat. No 6,334,692).

Hsueh discloses a motion activated light comprising: a power source (battery 10, fig. 1) connected in an electrical circuit, a light source (LED 14, fig. 1) connected to said power source through the electrical circuit, a switch connected (spring 12 acts as a switch) to the electrical circuit, said switch responsive to movement to thereby energize

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the light source (col. 2, lines 43-48), a connector (ring 16, or cord 28, see abstract) for connecting the light to a predetermined article.

Claims 1, and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Caswell (US Pat. No 6,170,968).

Caswell discloses a motion activated light comprising: a power source (battery 14 fig. 1) connected in an electrical circuit, a light source (LED 22) connected to said power source through the electrical circuit, a switch (motion sensitive switch 16) connected to the electrical circuit, said switch responsive to movement to thereby energize the light source, a connector (bolt 46 connecting the light to a bicycle spoke), for connecting the light to a predetermined article.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsueh in view of Hanson (US application Pub. 2003/0095401).

Hsueh discloses the claimed invention as described above in claim 1 except for the LED in which is an Ultraviolet (UV) light emitting diode and the light housing having a fluorescent material. However, Hsueh further discloses that light member 4 is made of

transparent or semitransparent material having various kinds of colors applied thereon (col. 2, lines 59-67).

Hanson teaches a planar display panel having a fluorescent pigment and at least one UV light emitting diode (210, paragraph 16, lines 6-7) emitting an UV light to illuminate the fluorescent pigment in which converts the UV light into a visible light. Therefore, it would have been obvious to one skilled in the art to provide the housing of the decorative member of Hsueh with a fluorescent pigment and UV light emitting diode of Hanson to generate a visible light as taught by Hanson in order to avoid hot spots and gradation generally caused by visible light from conventional light source.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsueh in view of Parsons (US Pat. Application 2004/0105257).

Hsueh discloses the claimed invention as described above in claim 1 but doesn't explicitly mention that the article comprises a zipper. However, Hsueh teaches that the light housing can be attached to various kinds of objects for generating light. Parsons discloses an LED flashlight (10) including a housing (14) with a keyring in an article can be attached and further teaches that a keyring extension may be easily attached or detached from any number of items, such as the zipper of a coat or backpack. It would have been obvious to one skilled in the art to connect or attach a keyring to a zipper of an article as taught by Parsons. Also Kusfuka et al teaches attaching a light source to a zipper of an article.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Levinson et al (US Pat. 6,299,338) teach a planar display (430) having fluorescent pigments (440) formed in any desired shapes, pattern, and designs (col. 5, lines 20-23), and at least one UV light emitting diode (410) to illuminate the fluorescent pigment which converts the UV light into visible light.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Ali Alavi whose telephone number is (571) 272-2365. The examiner can normally be reached between 7:00 A.M. to 5:30 P.M. Tuesday to Friday. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached at (571) 272-2378 or you may fax your inquiry to the **Central Fax** at (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-2956.



Ali Alavi
Patent Examiner
AU 2875